

[Submitting counsel below]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION**

No. 3:23-md-03084-CRB

**DECLARATION OF ROOPAL P. LUHANA
IN SUPPORT OF PLAINTIFFS' BRIEF IN
SUPPORT OF PLAINTIFFS' PROPOSED
ESI ORDER**

This Document Relates to:

All Cases

Judge: Honorable Lisa J. Cisneros
Date: TBD
Time: TBD
Courtroom: G – 15th Floor

I, Roopal P. Luhana, declare and state as follows:

1. I am an attorney and partner at Chaffin Luhana LLP, counsel for Plaintiffs and Court-appointed Co-Lead Counsel in this action. I am a member in good standing of the State Bars of New York, New Jersey, and Pennsylvania, and am admitted *pro hac vice* in this coordinated action. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. I submit this Declaration in support of Plaintiffs' Brief in Support of Plaintiffs' Proposed ESI Order.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiffs' proposed ESI Order.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a comparison between Plaintiffs' and Defendants' proposed ESI Orders.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Response to Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC's Initial Conference

Submission entered in *In re Uber Technologies, Inc. Passenger Sexual Assault Litig.*, No. 23-md-03084 (N.D. Cal. Nov. 3, 2023) as Dkt. 57.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Order on Plaintiffs' Updated Motion for Fees, Costs and Sanctions entered in *Richards et al v. Uber LLC, et al*, Superior Court, King County, Washington, No. 19-2-16858-7 (Mar. 11, 2020).

7. Attached hereto as **Exhibit 5** is a true and correct copy of the November 3, 2023 Hearing Transcript in *In re Uber Technologies, Inc. Passenger Sexual Assault Litig.*, No. 23-md-03084 (N.D. Cal. Nov. 3, 2023).

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Declaration of Douglas Forrest in Support of Plaintiffs' brief for Plaintiffs' Proposed Order Governing the Production of Electronically Stored Information and Hard Copy Documents.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Declaration of Maura R. Grossman in Support of Plaintiffs' Motion to Compel Defendants to Use Certain Search Terms and TAR Methodologies entered in *In re Diisocyanates Antitrust Litig.*, No. 18-mc-01001 (W.D. Pa. Mar. 25, 2021), Dkt. 459.

10. Attached hereto as **Exhibit 8** is a true and correct copy of Pretrial Order No. 12: Protocol Relating to the Use of Technology Assisted Review ("TAR Protocol") entered in *In Re 3M Combat Arms Earplug Prods. Liab. Litig.*, No. 19-md-2885 (N.D. Fla. Jul. 1, 2019), Dkt. 472.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Stipulation and Order: Protocol Relating to use of Technology Assisted Review by the Volkswagen Defendants ("TAR Protocol") entered in *In re Volkswagen "Clean Diesel" MDL*, No. 15-md-2672 (N.D. Cal. Nov. 7, 2016) Dkt. 2173.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the Order Regarding Search Methodology for Electronically Stored Information entered in *In re Broiler Chicken Antitrust Litig.*, No. 1:16-cv-0637 (E.D. Ill. Jan. 3, 2018), Dkt. 586.

13. Attached hereto as **Exhibit 11** is a true and correct copy of Case Management Order: Protocol Relating to the Production of Electronically Stored Information ("ESI") entered

1 in *In re Actos (Pioglitazone) Prods. Liab. Litig.*, No. 11-md-2299 (W.D. La. July 27, 2012) Dkt.
2 1539.

3 14. Attached hereto as **Exhibit 12** is a true and correct copy of the Stipulation
4 Regarding Discovery of Electronically Stored and hard Copy Information and Order entered in
5 *Brown v. Coty, Inc.*, No. 22-cv-2696 (S.D.N.Y. Aug. 26, 2022), Dkt. 46.

6 15. Attached hereto as **Exhibit 13** is a true and correct copy of the Stipulated Protocol
7 and Order Governing Discovery Matters Relating to Electronically Stored Information entered in
8 *Splunk Inc., v. Cribl, Inc. et al.*, No. 3:22-cv-07611 (N.D. Cal. Aug. 24, 2023), Dkt. 78.

9 16. Attached hereto as **Exhibit 14** is a true and correct copy of the Order Establishing
10 Protocol for Electronically Stored Information (“ESI”) entered in *In re Acetaminophen Products*
11 *Liab. Litig.*, No. 22-md-3043 (S.D.N.Y. Jan. 17, 2023), Dkt. 345.

12 17. Attached hereto as **Exhibit 15** is a true and correct copy of the Order for
13 Discovery of Electronically Stored Information (“E-Discovery”) by Defendants entered in *In re*
14 *East Palestine Train Derailment*, No. 4:23-cv-002242 (E.D. Oh. June 29, 2023), Dkt. 100.

15 18. Attached hereto as **Exhibit 16** is a true and correct copy of Pretrial Order No. 5:
16 Regarding Document and Electronically Stored Information Production Protocol entered in *In re*
17 *McKinsey & Co., Inc. Nat’l Opiate Consultant Litig.*, No. 3:21-md-2996 (N.D. Cal. Sept. 21,
18 2021), Dkt. 259.

19 19. Attached hereto as **Exhibit 17** is a true and correct copy of the Order re: Discovery
20 of Electronically Stored Information entered in *In re JUUL Labs, Inc., Mktg., Sales Pracs., &*
21 *Prod. Liab. Litig.*, No. 3:19-md-2913 (N.D. Cal. Dec. 17, 2019), Dkt. 323.

22 20. Attached hereto as **Exhibit 18** is a true and correct copy of Pretrial Order #29:
23 Protocol for Discovery of Electronically Stored Information and Hard Copy Documents entered
24 in *In re: Zantac (Ranitidine) Prod. Liab. Litig.*, No. 9:20-md-2924 (S.D. Fla. June, 17 2020), Dkt.
25 862.

26 21. Attached hereto as **Exhibit 19** is a true and correct copy of the Order Regarding
27 Preservation and Production of Documents and Electronically Stored Information entered in *In re*
28 *Paraquat Products Liab. Litig.*, No. 3:21-md-3004 (S.D. Ill. Oct 27, 2021), Dkt. 466.

22. Attached hereto as **Exhibit 20** is a true and correct copy of Case Management Order No. 4: Stipulated Protocol for Producing Documents and Electronically Stored Information entered in *In re Hair Relaxer Mktg. Sales Pracs. & Prod. Liab. Litig.*, No. 23-cv-818 (N.D. Ill. May 18, 2023), Dkt. 109.

23. Attached hereto as **Exhibit 21** is a true and correct copy of the Declaration of Michael Ciaramitaro in Support of Plaintiffs' Brief for Plaintiffs' Proposed Order Governing the Production of Electronically Stored Information and Hard Copy Documents.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 12, 2024, in New York, New York.

/s/ Roopal P. Luhana
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